



TPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Atty. Docket: WILLNER=5  
WILLNER et al. ) Examiner: Nelson C. Yang  
Appln. No.: 09/889,936 ) Washington, D.C.  
Filed: July 25, 2001 ) January 5, 2005  
For: DETECTION OF SMALL MOLECULES) Confirmation No.: 4415  
BY USE OF A...

**RESPONSE TO NOTICE TO COMPLY WITH  
SEQUENCE LISTING REQUIREMENTS**

**Honorable Commissioner for Patents**  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

In response to the Notice to Comply dated December 10, 2004, attached hereto is a postcard receipt date stamped by the PTO indicating that a substitute drawing of Fig. 3A, sequence listing paper and CRF was submitted on November 19, 2001, to replace originally filed Fig. 3A and enter a new paper and CRF of the sequence listing. The substitute Fig. 3A was marked in red correcting the nucleotide at position 152 from "I" to "A". The new paper copy and CRF form of the sequence listing also reflected the change to Fig. 3A. Therefore, it is not necessary to correct the sequence listing or the drawings as the correction was made

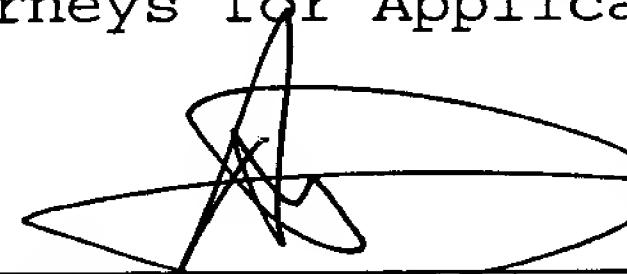
Appln. No. 09/889,936  
Amdt. dated January 5, 2005  
Reply to Notice to Comply of December 10, 2004

previously. The sequence listing is consistent with the corrected  
Fig. 3A submitted on November 19, 2001.

Respectfully submitted,

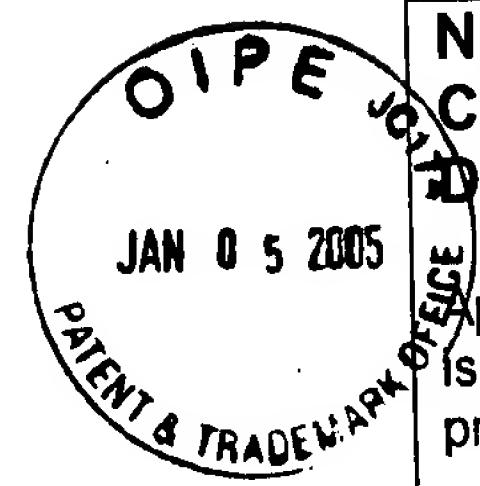
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## Notice to Comply

Application No.  
09/889,936

Applicant(s)  
Willner et al

Examiner  
Nelson Yang

Art Unit  
1641

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: CRF is flawed see the attached CRF problem report.

#### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

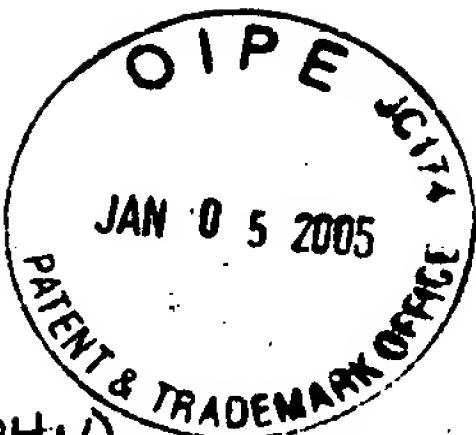
For CRF Submission Help, call (703) 308-4212

Patent Software Program Support

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

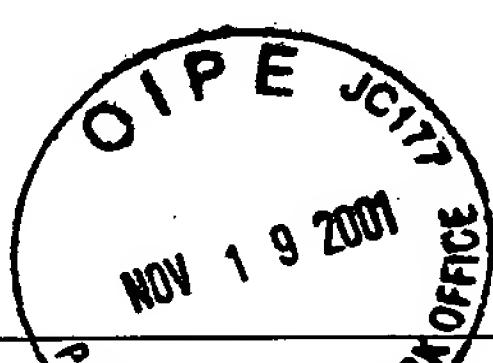


(COHN)  
APPLICANT(S): WILLNER et al  
APPLICATION NO: 09/889,936

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

FEES \$ \_\_\_\_\_  
 PTO FORM 2038  (CH. # \_\_\_\_\_)  
 EXTENSION OF TIME ( \_\_\_\_\_ MONTHS)  
 TRANSMITTAL LETTER  
 MISSING PARTS RESPONSE WITH DECL  
 AMENDMENT  
 PRELIMINARY  SUPPLEMENTAL  
 REPLY TO OFFICE ACTION  
 RESTRICTION/ELECTION REPLY  
 SEQUENCE LISTING  WITH DISK  
 RCE / CPA TRANSMITTAL (circle one)  
 NOTICE OF APPEAL  
 APPEAL BRIEF (TRIPPLICATE)  
 REPLY BRIEF (TRIPPLICATE)  
 OTHER COPY OF NOTICE TO COMPLY

DOCKET NO.: WILLNER-5  
CONF. NO: 4415



ASSIGNMENT  
 INFORMATION DISCLOSURE STATEMENT  
 FORM 1449 & \_\_\_\_\_ PATENTS/PUBS  
 PRIORITY DOCUMENT(S) NO. \_\_\_\_\_  
 DECLARATION UNDER § \_\_\_\_\_  
 LETTER TO DRAFTSMAN  
 1 SHEETS OF DRAWINGS Fig. 3A  
 ISSUE FEE TRANSMITTAL FORM  
 MAINTENANCE FEE LETTER

B&N-2

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